

Authorizing governmental entities to create airport districts

SB 433 by Wentworth (Casteel)

DIGEST: SB 433 would have authorized governmental entities, including the state, counties, and municipalities, to form taxing districts to purchase, manage, or finance airports. It would have authorized districts to acquire property through eminent domain and also would have allowed them to issue bonds to support district activities.

**GOVERNOR'S
REASON FOR
VETO:**

“Senate Bill No. 433 would give private citizens broad powers of a public authority with little public accountability. The airport districts allowed in this bill would have the power to condemn public and private property, the ability to sell bonds without the approval of the attorney general, exempt them from municipal zoning laws, and place no requirements for competitive bidding.

“Under current law, cities have sufficient statutory authority to build and operate airports and have no need for special airport districts. Counties interested in operating an airport have the ability to apply to the Texas Department of Transportation for the formation of a Regional Mobility Authority. Knowing the importance of general aviation to our state, I will direct the Texas Transportation Commission to study statewide general aviation issues and develop legislative recommendations for the 80th Legislature.”

RESPONSE: Sen. Jeff Wentworth, the bill’s author, said: “Section 12 of Article 9 of the Texas Constitution, specifically paragraphs (a), (d), (e), and (g), already give the Legislature the authority to create, establish, maintain, and operate airport authorities composed of one or more counties with the very powers the governor seems to object to. Thus far the Legislature has created only the DFW airport. SB 433 would simply have allowed counties to act on their own without waiting for a session of the Legislature to act.”

Rep. Carter Casteel, the House sponsor, said: “I am disappointed that the bill was vetoed. It was intended to permit cities and counties to purchase smaller fields that may be going out of business and use them to provide support for the larger airports in the area. Small planes could have used the auxiliary fields and freed up traffic at the larger airports.”

NOTES: SB 433 passed the House on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.